

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE ALYN BENSON,

Plaintiff,

v.

JOHN DOWBAK, et al.,

Defendants.

No. 2:21-cv-1650 WBS AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2022, the magistrate judge filed an order and findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 31. Plaintiff has filed objections to the order denying appointment of counsel and judicial review of his disciplinary records. ECF No. 34. He also states that he is not objecting to the findings and recommendations but instead seeks to withdraw his prior motions for temporary restraining order or preliminary injunction and requests that he be granted the relief outlined in his objections, some of which overlaps with that requested in the motions. Id. at 9-11.


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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and by proper
4 analysis. With respect to the order on plaintiff's motion for appointment of counsel, Federal Rule
5 of Civil Procedure 72(a) permits a party to object to non-dispositive orders issued by magistrate
6 judges and requires that the district judge "modify or set aside any part of the order that is clearly
7 erroneous or is contrary to law." The May 10, 2022 order of the magistrate judge is not clearly
8 erroneous or contrary to law and the objections will be overruled.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed May 10, 2022, are adopted in full;
- 11 2. Plaintiff's motions for a preliminary injunction (ECF Nos. 12, 15, 20, 21, 24, 28-30)
12 are denied.
- 13 3. Plaintiff's objections to the denial of his motions to appoint counsel and for judicial
14 review (ECF No. 34) are overruled and the May 10, 2022 order is affirmed.
- 15 4. This matter is referred back to the assigned magistrate judge for all further pretrial
16 proceedings.

17 Dated: July 5, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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